

HEARING DATE AND TIME: To be scheduled if response is filed
RESPONSE DEADLINE: February 6, 2020, 4:00p.m. (Eastern Time)

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*Counsel to Newport Global Opportunities
Fund L.P. and Newport Global Credit Fund (Master) L.P.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
In re	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., et al.,	:	Case No. 08-13555 (SCC)
	:	
Debtors.	:	(Jointly Administered)
-----X		

**NOTICE OF HEARING ON MOTION OF NEWPORT GLOBAL OPPORTUNITIES
FUND L.P. AND NEWPORT GLOBAL CREDIT FUND (MASTER) L.P. TO
WITHDRAW AND EXPUNGE CLAIM NOS. 26372 AND 29235 IN THEIR ENTIRETY**

PLEASE TAKE NOTICE that on January 7, 2020, Newport Global Opportunities Fund L.P. (“NGOF”) and Newport Global Credit Fund (Master) L.P. (“NGCF,” together with NGOF, the “Newport Funds”), filed their *Motion of Newport Global Opportunities Fund L.P. and Newport Global Credit Fund (Master) L.P. to Withdraw and Expunge Claim Nos. 26372 and 29235* (the “Withdrawal Motion”), and that a hearing (the “Hearing”) to consider the Withdrawal Motion will be heard before the Honorable Shelley C. Chapman, United States Bankruptcy Judge, in Courtroom 623 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, on a date to be scheduled if a response is filed.

PLEASE TAKE FURTHER NOTICE that any responses to the Withdrawal Motion must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov) by registered users of the Bankruptcy Court's filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format (with a hard copy delivered directly to Chambers), in accordance with General Order M-182 (which can be found at www.nysb.uscourts.gov), and shall be served in accordance with General Order M-399 upon (i) the chambers of the Honorable Shelley C. Chapman, One Bowling Green, New York, New York 10004, Courtroom 623; (ii) attorneys for the Plan Administrator, (x) Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153 (Attn: Jacqueline Marcus, Esq., and Garrett A. Fail, Esq.); and (y) Katten Muchin Rosenman LLP, 575 Madison Avenue, New York, New York, 10022 (Attn: Cindi M. Giglio, Esq.); (iii) the Office of the United States Trustee for Region 2, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014 (Attn: William K. Harrington, Esq., Susan Golden, Esq., and Andrea B. Schwartz, Esq.); and (iv) the attorneys for the Newport Funds so as to be so filed and received by no later than **February 6, 2020 at 4:00 p.m. (Eastern Time)** (the "Response Deadline").

PLEASE TAKE FURTHER NOTICE that, if no responses are timely filed and served with respect to the Withdrawal Motion, the Newport Funds may, on or after the Response Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Withdrawal Motion, which order may be entered with no further notice or opportunity to be heard or offered to any party.

Dated: January 7, 2020
New York, New York

BROWN RUDNICK LLP

By: /s/ David J. Molton
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In re	:	Chapter 11
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LEHMAN BROTHERS HOLDINGS INC., et al.,	:	Case No. 08-13555 (SCC)
	:	
Debtors.	:	(Jointly Administered)
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**MOTION OF NEWPORT GLOBAL OPPORTUNITIES
FUND L.P. AND NEWPORT GLOBAL CREDIT FUND (MASTER) L.P. TO
WITHDRAW AND EXPUNGE CLAIM NOS. 26372 AND 29235 IN THEIR ENTIRETY**

TO THE HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE:

Newport Global Opportunities Fund L.P. (“NGOF”) and Newport Global Credit Fund (Master) L.P. (“NGCF,” together with NGOF, the “Newport Funds”), by and through their undersigned counsel, respectfully represent as follows:

RELIEF REQUESTED

1. The Newport Funds file this motion (the “Withdrawal Motion”) pursuant to Rule 3006 of the Federal Rules of Bankruptcy Procedure, seeking entry of an order: (i) authorizing the Newport Funds to withdraw Claim Nos. 26372 and 29235 (collectively, the “Claims”); (ii) disallowing and expunging the Claims; and (iii) authorizing and directing the Clerk of this Court,

or the duly appointed Claims Agent, to reflect the withdrawal, disallowance and expungement of the Claims on the official claims register for Debtors.

JURISDICTION

2. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

BACKGROUND

3. On September 22, 2009, the Newport Funds timely filed Claim Nos. 26372 and 29235 with the Court.

4. On December 1, 2014, the Plan Administrator filed its four hundred eighty-eighth omnibus objection to claims [ECF No. 47101] objecting to certain claims filed by the Newport Funds. On March 5, 2015, the Court entered the *Supplemental Order Granting the Four Hundred Eighty-Eighth Omnibus Objection to Claims (No Liability Claims)* (the “Supplemental Order”) [ECF No. 48761] disallowing and expunging certain claims filed by the Newport Funds on an interim basis pending resolution of the Claims.

5. On March 6, 2015, the Plan Administrator filed its four hundred ninety-fifth omnibus objection to claims (insufficient documentation claims) (“495th Omnibus Objection”) [ECF No. 48773], wherein the Plan Administrator objected to the Claims. The Plan Administrator’s objection to the Claims pursuant to the 495th Omnibus Objection has not been resolved on a final basis.

6. On June 10, 2015, the Plan Administrator filed its *Motion of the Plan Administrator Pursuant to Sections 8.4, 9.3, and 14.1 of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors to Estimate Claims for Reserve and Distribution Purposes* (the “Estimation Motion”) [ECF No. 49954].

7. On July 10, 2015, the Newport Funds filed their *Objection of Newport Global*

Opportunities Fund L.P. and Newport Global Credit Fund (Master) L.P. to the Motion of Plan Administrator Pursuant to Sections 8.4, 9.3, and 14.1 of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors to Estimate Claims for Reserve and Distribution Purposes (the “Objection”) [ECF No. 50276].

8. On February 16, 2016, the Plan Administrator adjourned the hearing to consider the Estimation Motion with respect to the Claims *sine die*. See Notice of Adjournment of Hearing (Sine Die) on the Motion of Plan Administrator Pursuant to Sections 8.4, 9.3, and 14.1 of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors to Estimate Claims for Reserve and Distribution Purposes [ECF No. 52029].

9. Contemporaneous herewith, the Newport Funds filed their *Withdrawal of the Objection of Newport Global Opportunities Fund L.P. and Newport Global Credit Fund (Master) L.P. to the Motion of Plan Administrator Pursuant to Section 8.4, 9.3, and 14.1 of the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors to Estimate Claims for Reserve and Distribution Purposes (the “Withdrawal Notice”)*.

BASIS FOR RELIEF

10. The Newport Funds file this Motion out of an abundance of caution in accordance with Rule 3006 of the Federal Rules of Bankruptcy Procedure. The Newport Funds intend to fully and finally withdraw the Claims, attached hereto as **Exhibits B** and **C**, with prejudice, and have such Claims reflected as withdrawn, disallowed, and expunged on the claims register. Given that the 495th Omnibus Objection and Estimation Motion may constitute “objections” to the Claims as contemplated by Rule 3006 of the Federal Rules of Bankruptcy Procedure, the Newport Funds seek an Order from this Court effectuating their withdrawal of the Claims.

11. The Newport Funds have consulted with the Plan Administrator regarding the

relief requested in this Withdrawal Motion and the Plan Administrator has no objection to such relief. The Newport Funds have agreed to coordinate and cooperate with the Plan Administrator regarding any ministerial acts that must be taken to effectuate this Withdrawal Motion and any Order entered in connection herewith.

NOTICE

12. In accordance with Rule 3006 of the Federal Rules of Bankruptcy Procedure, the Newport Funds have provided notice of this Withdrawal Motion to the Plan Administrator as successor to the debtor in possession. Notice of this Withdrawal Motion has also been provided to all other parties entitled to notice in accordance with the procedures set forth in the second amended order entered on June 17, 2010 governing case management and administrative procedures for these cases [ECF No. 9635]. The Newport Funds submit that no further notice be provided.

13. No previous request for the relief sought herein has been made by the Newport Funds to this or any other Court.

14. WHEREFORE the Newport Funds respectfully request entry of the proposed order annexed hereto as **Exhibit A** and such other and further relief as is just.

Dated: January 7, 2020
New York, New York

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